

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GARY WISTROM,

Plaintiff,

v.

ORDER

KENNETH BLACK,

Defendant.

The court is in receipt of the June 7, 2013 correspondence from plaintiff's counsel advising that "he wishes to withdraw the request for a new trial on damages and accept the Court's remittitur of \$150,000 in compensatory damages and \$300,000 in punitive damages," as well as a response from defendant's counsel filed later that same day, which objects to the withdrawal as "untimely" and for failing to articulate "excusable neglect." Although 2 days past the deadline set by the court, there appears good reason under Fed. R. Civ. P. 1 to permit a slightly late acceptance of remittitur, no statutory bar to this court exercising its discretion to permit a tardy acceptance, and no meaningful prejudice to defendant in the court doing so. Accordingly, the court will treat plaintiff's June 5 request as void and accept the June 7 request for remittitur *nunc pro tunc*. The clerk's office is directed to enter judgment for plaintiff in the total amount of \$450,000.

Entered this 10th day of June, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge